

RESOLUTION NO. 2011-122

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
NORTHERN CALIFORNIA POWER AGENCY MARKET PURCHASE
PROGRAM AGREEMENT AND AUTHORIZING EXECUTION BY THE CITY
MANAGER WITH ADMINISTRATION BY THE ELECTRIC UTILITY DIRECTOR
AND APPOINTING THE CITY MANAGER AND ELECTRIC UTILITY
DIRECTOR AS THE DESIGNATED REPRESENTATIVE FOR LODI

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WHEREAS, Lodi, as a municipal electric utility, is a member of the Northern California Power Agency (NCPA) and has the need to purchase electric energy or capacity to meet its future electric power needs; and

WHEREAS, NCPA is willing to undertake the purchase of electric energy and capacity for its members pursuant to its Market Purchase Program Agreement (MPPA) up to a period of five years; and

WHEREAS, utilizing the MPPA, NCPA will enter into power purchase agreements for the benefit of participating members, which agreements shall be in the form of the Western Systems Power Pool Agreement (WSPP Agreement) or the Edison Electric Institute Master Power Purchase and Sale Agreement (EEI Master Agreement), with such modifications as have previously been approved by the NCPA Commission, and which modifications have been reviewed and are concurred in by the City; and

WHEREAS, it is recognized that the market for electric energy or capacity may not support the modifications to the WSPP Agreement or EEI Master Agreement or may only support such modifications with unacceptably high prices, or may require other additional or contradictory modifications; and

WHEREAS, requests for proposal for the purchase of electric energy or capacity must be responded to within a very short time frame; and

WHEREAS, the MPPA provides that, following the issuance of a request for proposals for power or capacity, the execution of a Participant Purchase Confirmation by the Designated Representatives of an NCPA member participating in the MPPA will be deemed the subscription by that NCPA member to the purchase of power or capacity upon the terms negotiated, whether or not such modifications have been made to the WSPP Agreement or EEI Master Agreement; and

WHEREAS, maintenance of an adequate, cost effective supply of electric energy or capacity is a matter of critical importance, directly affecting the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the NCPA Market Purchase Program Agreement, which is on file in the office of the City Clerk, and is incorporated into this resolution by reference, and hereby authorizes execution by the City Manager with administration by the Electric Utility Director; and

BE IT FURTHER RESOLVED that the City Manager or the Electric Utility Director is authorized to execute such amendments and supplements to the same as the City's Manager or Electric Utility Director determines, with the attestation of the City Attorney, to be necessary or appropriate from time-to-time hereafter to cure any ambiguity or eliminate superfluous provisions or to correct or supplement any defective provision of the same.

BE IT FURTHER RESOLVED that the City Manager and the City's Electric Utility Director are hereby declared the "Designated Representatives" of the City pursuant to the MPPA. Such Designated Representatives are hereby authorized to execute Participant Purchase Confirmations for either or both electric energy and capacity and to accede to or agree to amendments to either the WSPP Agreement or the EEI Master Agreement with the attestation of the City Attorney, provided that such Participant Purchase Confirmations are entered into in conformance with the MPPA. The obligations entered into by such officers on behalf of the City shall be valid and binding, and the City agrees to pay for such obligations in accordance with the MPPA as fully and as if each such Participant Purchase Confirmation and transaction were directly presented to and individually approved by it.

Dated: August 3, 2011

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I hereby certify that Resolution No. 2011-122 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 3, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Nakanishi, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk